



Via Electronic Filing

September 23, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation
CS Docket No. 97-80, PP Docket No. 00-67, MB Docket No. 10-91

Dear Ms. Dortch:

This is to notify you that, in the above-entitled matters, on September 22, 2010, Mike Mohan, Senior Vice President, Home Solutions, Steve Bosch, Director, Home Strategy, and Laura Bishop, Senior Director, Government Relations & Public Affairs, and the undersigned, Vice President and Associate General Counsel, all of Best Buy Co., Inc.; and Robert Schwartz, Constantine Cannon LLP, Counsel to the Consumer Electronics Retailers Coalition, met separately with Josh Cinelli, Legal Advisor to Commissioner Copps; Brad Gillen, Legal Advisor to Commissioner Baker; Rosemary Harold, Legal Advisor to Commissioner McDowell; and Paul de Sa, Chief of the Office of Strategic Planning and Policy Analysis. The same individuals also met with the following Media Bureau personnel: Chief Bill Lake, Deputy Chief Kris Monteith, Associate Chief Nancy Murphy, Policy Division Chief Mary Beth Murphy, Chief Engineer Alison Neplokh, Lyle Elder, Brendan Murray, and Jeffrey Neumann.

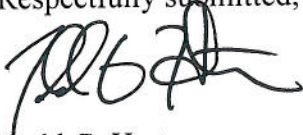
The purpose of the meetings was for Best Buy to express and explain its view that the Commission should take action in its "CableCARD" Notice of Proposed Rulemaking by adopting regulations as proposed in the draft Appendix A of the June 14, 2010 joint Comments of the Consumer Electronics Retailers Coalition (CERC) and the Consumer Electronics Association (CEA), as amended in the July 20, 2010 *ex parte* letter of Julie Kearney on behalf of CERC and CEA. (For convenience a copy of that draft Appendix A is attached.) Best Buy also urged the Commission to proceed expeditiously to a rulemaking pursuant to its "AllVid" Notice Of Inquiry.

In each meeting Best Buy expressed the view that the CableCARD NPRM and AllVid proceeding are and will be complementary in allowing television products to achieve the flexibility, sophistication, and ease of use that is now characteristic of most other consumer electronics products such as "smart phones." Best Buy urged that "smart television" products, that meet a clearly perceived consumer demand, can be achieved in the near term by adoption of the CableCARD "Appendix A" regulations as proposed by CEA and CERC on June 14 and July

20. Best Buy further urged that, in order for the television sector to catch up with the strides made in other areas of consumer electronics, in responding to consumer demands for a single, interactive application platform and user interface, the Commission must proceed with an AllVid rulemaking.

This letter is being provided to your office in accordance with Section 1.1206 of the Commission's rules. A copy of this letter has been delivered by e-mail to each FCC meeting participants.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TGH', with a stylized flourish at the end.

Todd G. Hartman
Vice President, Associate General Counsel
and Chief Compliance Officer
Best Buy Enterprise Services, Inc.

cc:

Josh Cinelli

Brad Gillen

Rosemary Harold

Paul de Sa

Bill Lake

Kris Monteith

Nancy Murphy

Mary Beth Murphy

Alison Neplokh

Lyle Elder

Brendan Murrar

Jeffrey Neumann

Appendix A

Proposed Regulations (Amended)

Amend § 76.1205 to read as follows:

§ 76.1205 CableCARD Support.

(a) Technical information concerning interface parameters that are needed to permit navigation devices to operate with multichannel video programming systems shall be provided by the system operator upon request in a timely manner.

(b) A multichannel video programming provider that is subject to the requirements of Section 76.1204(a)(1) must comply with the following requirements:

(1) Such provider shall not discriminate against any subscriber who attaches a navigation device obtained from a retailer, manufacturer, or other vendor that is unaffiliated with such multichannel video programming distributor by providing installation, technical support, or other customer service that is inferior in scope or quality to the service provided to subscribers who use a navigation device supplied by the provider.

(2) Such provider shall provide the means to allow subscribers to self-install and activate CableCARDS.

(3) Such provider shall supply CableCARDS:

(A) to a customer on request, in quantities sufficient to operate the customer's equipment; and

(B) to any retailer that sells navigation devices which accept a CableCARD, in a commercially reasonable manner, in quantities sufficient to fulfill the need for CableCARDS in navigation devices sold by the retailer;

(4) CableCARDS supplied pursuant to subsection (b)(3) shall be multistream, unless the customer or retailer requests single-stream CableCARDS.

(5) With respect to professional installations, such provider shall:

(A) ensure that the technician arrives with no fewer than the number of CableCARDS requested by the customer; and

(B) ensure that each such CableCARD is capable of functioning on the multichannel video distribution system to which it is to be connected.

(6) Such provider shall separately disclose to consumers in a conspicuous manner in advertisements, web sites, and billing –

(A) any assessed fees for rental of single and additional CableCARDS; and,

(B) where such provider includes equipment in the price of a bundled offer of one or more services, the fees reasonably allocable to

(i) the rental of single and additional CableCARDS and

(ii) the rental of operator supplied navigation devices.

(7) CableCARD rental fees shall be priced uniformly by such provider without regard to the intended use in operator-supplied or consumer-owned equipment.

(8) For any bundled offer combining service and equipment into a single fee, including any bundled offer providing a discount for the purchase of multiple services, such provider shall make such offer available without discrimination to any customer that owns a navigation device, and shall further offer such customer a discount from such offer equal to an amount not less than the monthly rental fee reasonably allocable to the lease of the operator-supplied navigation device included with that offer.

(c) For purposes of this section, “reasonably allocable” shall mean a price reasonably based on the actual cost of the equipment amortized over a period of no more than 60 months.

Add new § 76.1212 as follows:

§ 76.1212 Compatibility for Switched Digital Video Systems.

(a) By no later than September 30, 2010, and upon request thereafter, switched digital video operators shall make available in a timely manner to manufacturers of unidirectional digital cable products a standard protocol and interface parameters that permit cable subscribers with unidirectional digital cable products to access switched digital channels (“SDV Protocol”). The SDV Protocol shall be based on out-of-band communication between the unidirectional digital cable product and the switched digital video operator using Internet Protocol, and shall utilize to the extent possible voluntary industry standards and technologies subject to reasonable and nondiscriminatory licensing.

(b) By no later than January 1, 2011, a switched digital video operator shall implement a functional system using the SDV Protocol that enables subscribers with unidirectional digital cable products to request and receive all switched digital video channels to which they have subscribed.

(c) A switched digital video operator shall not discriminate in terms and conditions, including with respect to channel availability, quality, customer service, and pricing, between subscribers with unidirectional digital cable products using the SDV Protocol and subscribers with operator-supplied or bidirectional digital cable products.